

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
DOCKET NO. 5:09CR27-RLV**

UNITED STATES OF AMERICA	)
	)
v.	)
	)
BERNARD VON NOTHAUS	)
_____	)

In re: PETITION OF MICHAEL J. ECK

**ORDER GRANTING IN PART AND DISMISSING IN PART  
PETITION OF MICHAEL J. ECK**

**WHEREAS**, on November 10, 2014, the Court entered a Memorandum and Order (Doc. 270) affirming the jury's verdicts of guilty to Counts One, Two, and Three in the Superseding Bill of Indictment.

**WHEREAS**, on February 25, 2015, the Court entered the Amended (Third) Preliminary Order of Forfeiture (Doc. 297) forfeiting certain coins, metals, and other property to the United States.

**WHEREAS**, Michael J. Eck filed a Petition (Doc. 430) claiming ownership of a total of \$28,838.09 electronic Liberty Dollars equal to 1,441.90 ounces of silver, five hundred (500) Copper Ron Paul Dollars, fifty (50) one ounce Chiropractic Silver Liberty Dollars, three hundred (300) 1/2 ounce Silver Peace Dollars, and one thousand (1,000) Copper Peace Liberty Dollars.

**WHEREAS**, Petitioner claims, in part, \$28,838.09 electronic Liberty Dollars equal to 1,441.90 ounces of silver, five hundred (500) Copper Ron Paul Dollars, and fifty (50) one ounce Chiropractic Silver Liberty Dollars and these claims are based on documentation and/or a plausible factual explanation that comports with the information known to the United States and that satisfies 21 U.S.C. § 853(n)(6), and the United States moves that the aforementioned portion

be granted.

**WHEREAS**, Petitioner also claims three hundred (300) 1/2 ounce Silver Peace Dollars and one thousand (1,000) Copper Peace Liberty Dollars, both purchased on October 23, 2007, that the United States contends in its Motion were previously finally forfeited to the United States as contraband *per se*.

**WHEREAS**, based on the evidence, the Court has ruled in this case that coins minted after the warning by the United States Mint to the Liberty Dollar Organization and the Defendant on September 14, 2006 were counterfeit. *See* Memorandum and Order, at 7 (Doc. 270; Memorandum and Order (First Preliminary Order of Forfeiture) at 18 (Doc. 285).

**WHEREAS**, the Court has ruled in this case that “Items that are considered ‘contraband’ or ‘counterfeit’ under Section 492 are deemed illegal *per se* and automatically forfeited without having to satisfy the otherwise applicable forfeiture procedures.” Memorandum and Order (First Preliminary Order of Forfeiture) at 11 n. 10 (Doc. 285) (citing *Helton v. Hunt*, 330 F.3d 242, 247–48 (4th Cir. 2003)). The Court has further defined contraband in this case as “properties that no person or entity other than the United States may have a property right or interest in them.” Consent Order and Judgment of Forfeiture, Doc. 296.

**IT IS THEREFORE ORDERED:**

1. The Petition of Michael J. Eck is granted in part, with said portion to be granted consisting of \$28,838.09 electronic Liberty Dollars equal to 1,441.90 ounces of silver, five hundred (500) Copper Ron Paul Dollars, and fifty (50) one ounce Chiropractic Silver Liberty Dollars. This portion is granted based on information known to the United States and which satisfies 21 U.S.C. § 853(n)(6), and;

2. The Petition of Michael J. Eck is dismissed in part, said portion to be dismissed consisting of three hundred (300) 1/2 ounce Silver Peace Dollars and one thousand (1,000) Copper Peace Liberty Dollars, both purchased on October 23, 2007 because this the portion of the Petitioner's claim is for coins that have been determined to be contraband. Therefore, pursuant to Fed. R. Crim. P. 32.2(c)(1)(A), this portion of the Petition is dismissed for the reason that the Petition fails to state a claim upon which relief may be granted and Petitioner does not have standing.
3. Final disbursement by the United States shall be deferred until a comprehensive final order of forfeiture is entered in this case.

**SO ORDERED.**

Signed: December 21, 2015

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees  
United States District Judge

